

REMARKS/ARGUMENTS

Anticipation Rejection Under 35 U.S.C. § 102(b)

The Examiner has rejected Claim 6 under 35 U.S.C. § 102(b) as being anticipated by Patent Number 5,589,672 ("Uchida"). Applicant agrees that Uchida teaches an arc plate housing having some features which are similar, but not identical, to that of the present invention. The Examiner has suggested that Uchida discloses "a back stop member (C) secured in spaced relation to the first wall" and that Uchida "further discloses an additional embodiment having resilient stop members (21c) (Figs. 12A-12D) with tabs (21f) engaging the first end of the arc plates, fixing them in place." Element "C", as shown in the Examiner's version of Uchida's Figure 4, is not discussed at all by Uchida and is shown in his Figures 1, 4, 7(B), 9(B) and 10, without a reference numeral, as the terminating end of the slot 15, which is molded into side wall 14a. As the terminating end of slot 15, which is molded, cut, milled or otherwise formed into the side wall 14a, it can not be "secured in spaced relation to said first wall" (spaced apart from the wall), as claimed in claim 6. Figures 1 and 3 of the present application clearly illustrate that the back stop member 218 is "secured in spaced relation" to the wall 112. Also, the terminating end of a slot will not provide a resilient back stop for an arc plate. Further, Applicant can find no drawing figure or description in Uchida which teaches or suggests the Examiner's assertion that Uchida's element 21c is a resilient stop member with tabs 21f engaging the first end of the arc plates to fix them in place. Uchida's element 21c, shown only in Figures 8A and 9B, is defined as "a rectangular blocking board 21c closing an opening between the pressing boards 21a through a space in the front and rear directions" (Col.8, lines 31-33). Uchida, in Column 8, lines 38-39, describes element 21f as "a pair of hooks 21f extending from the upper ends of the pressing board 21a." He further defines the function of these "hooks" in Column 8, lines 48-50, as "engaging steps 14f are formed to fit to the hooks 21f on the protection board 21 on the upper part of the side wall 14a." Uchida's Figures 8(B) and 9(B) clearly show the proper relationship of these elements. Uchida does not teach or suggest that his blocking board 21c is a resilient stop member, or that his hooks 21f engage the arc plates 2 in any way, nor are they a part of or attached to the blocking board 21c. For the reasons stated above, at least two defining elements of claim 6 are not taught or suggested by Uchida. Therefore, Uchida does not meet the

requirements set forth in M.P.E.P. 706.02 or M.P.E.P. 2131 for an anticipation rejection of claim 6 under 35 U.S.C. § 102(b).

Obviousness Rejections Under 35 U.S.C. § 103

The Examiner has rejected Claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over Uchida et al. As stated above in response to the 35 U.S.C. § 102(b) rejection of claim 6, applicant agrees that Uchida teaches an arc plate housing having some features which are similar, but not identical, to that of the present invention. Claim 1 defines securing ledges “protruding from said first support member toward said second support member”. Webster’s New Universal Unabridged Dictionary defines the word “protrude” as “to thrust out, or forth; to cause to move outward or to project” and “to jut out”. As stated above in response to the 35 U.S.C. § 102(b) rejection of claim 6, Uchida’s slots 15 are molded into the side walls 14a (see Uchida Figures 7A and 7B) and therefore are not “protruding from” the wall, as defined in claim 1 and shown in Figures 1 and 3 of the present application. Therefore, Uchida does not teach or suggest securing ledges which protrude from the support members. With respect to the Examiner’s comments concerning his element “C” and Uchida’s element 21c, applicant’s arguments presented in response to the 35 U.S.C. § 102(b) rejection of claim 6 are again applicable. Applicant believes that the Examiner’s comments concerning “a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8USPQ 167”, must be directed to claim 3, since claim 3 defines the locking member as being resilient. The applicant would agree that in some cases this analogy is true, however, there is no teaching or suggestion in Uchida that the terminating end of slot 15 (Examiner’s element “C”) or Uchida’s pressing projections 21g are “resilient”. Therefore, there is no “essential working part” disclosed by Uchida, which provides the claimed function and meets the claimed limitation of being “resilient”. Therefore, claims 1 and 2 are not obvious in view of Uchida.

The Examiner has rejected claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Uchida et al., as applied to claim 1 above, and further in view of Madock. The Examiner has indicated that Uchida discloses the invention of claims 3 and 4 except for integrally molding the resilient back stop member and locking member. The Examiner has further suggested that it would have been obvious to one skilled in the art at the time of the invention to modify Uchida by including the integrally molded stop and locking members of Madock. Applicant contends

that a simple combination of the desired features of Uchida and Madock in one integrally molded part would not be an operable or acceptable solution. The housing of Madock is made of four separate parts for a reason. A mold for a molded part is generally made from two separable parts, together the two parts define a void being the reverse image of the part to be molded. The molding material is injected into the mold filling the void. The two mold parts must then be separated to release the molded part. The two parts of a mold for making an integral housing as disclosed by Madock could not be separated because there are opposing parts (stop members and locking members) which would not permit the separation. Further, the stop members and locking members, as disclosed by Madock, require slots 110 and 112 to permit their resilience (Col. 3, lines 18-23 and Fig. 1). These slots in the housing of Uchida would prohibit proper operation of the arc housing by permitting gases to escape through the side walls 14a. In a multi-phase arc plate housing this would cause cross-phase arcing resulting in an explosion that would destroy the device. Therefore, the Examiner's suggested combination of Uchida and Madock would produce a device that is unsafe for its intended use. The Examiner has also stated reasons for his suggested combination of Uchida and Madock. First, referring to Madock Col. 4, lines 31-34, the Examiner has suggested that it would substantially reduce the cost of manufacturing the housing. Madock specifically teaches in Col. 4, lines 31-34, that "because the two side walls 13 and 14 have the same configuration, they may be formed from the same mold thereby substantially reducing the cost of manufacturing the holder 10." This is not a suggestion that any combination of parts into one integral part will substantially reduce manufacturing cost. Second, referring to Madock Col.1, lines 39-42, the Examiner has suggested that the locking members of Madock would allow "partial ejection of the arc plate from the housing so that it may be easily grasped by a user". As previously argued, this is not an objective of the present invention. Further, one skilled in the art would understand that this is an unacceptable and dangerous operation that could cause destruction of the arc stack housing and any switch or contact to which it is attached and possibly severely injure the one removing the arc plates. Applicant contends that there is no suggestion for the Examiner's combination in either Uchida or Madock, and further, that the suggested combination would produce a device that could not perform the intended function of Uchida or the present invention in a safe and dependable manner.

The Examiner has rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Uchida et al., and Madock. As stated in the applicant's response to the Examiner's rejection of

claim 1, Uchida does not teach or suggest securing ledges protruding from the support members, and as stated in the applicant's response to the Examiner's rejection of claims 3 and 4, there is no suggestion or motivation to combine Uchida and Madock to produce the claimed invention. Therefore, the Examiner's suggested combination of Uchida and Madock with respect to claim 5 does not meet the three basic requirements of M.P.E.P. 706.2(j) for an obviousness rejection under 35 U.S.C. § 103(a).

The Examiner has rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Uchida et al., as applied to claim 6, and further in view of Madock. Applicant refers the Examiner to his response to the rejection of claim 6, from which claims 7 and 8 depend, and to his response to the rejection of claims 3 and 4. Again, there is no teaching in either Uchida or Madock which suggest the Examiner's combination to produce the invention as claimed. Therefore, the Examiner's suggested combination of Uchida and Madock with respect to claims 7 and 8 does not meet the three basic requirements of M.P.E.P. 706.2(j) for an obviousness rejection under 35 U.S.C. § 103(a).

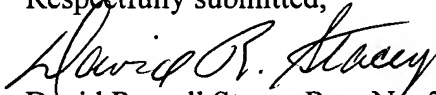
The Examiner has rejected claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Uchida et al., and Madock. Applicant refers the Examiner to his response to the rejection of claim 6, and that both the locking member and back stop member are "secured in spaced relation to said first wall" and "resilient". The applicant also refers the Examiner to his response to the rejection of claims 3 and 4. Again, there is no teaching in either Uchida or Madock which suggest the Examiner's combination to produce the invention as claimed. Therefore, the Examiner's suggested combination of Uchida and Madock with respect to claims 9 and 10 does not meet the three basic requirements of M.P.E.P. 706.2(j) for an obviousness rejection under 35 U.S.C. § 103(a).

The Examiner has rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Uchida et al. Claim 11 has been amended herein to more precisely define the invention and is believed to define over the cited art.

In view of the amendment of Claims 2 and 11, cancellation of claims 12 and 13 and the arguments provided above, it is believed that the above-identified patent application is in a condition for the issuance of a Notice of Allowance. Such action by the Examiner is respectfully requested. If, however, the Examiner is of the opinion that any of the drawings or other portions of the application are still not allowable, it will be appreciated if the Examiner will telephone the undersigned to expedite the prosecution of the application.

Please charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 19-3875 (LEX-80).

Respectfully submitted,



David Russell Stacey Reg. No. 33,794
Attorney for Applicant

SQUARE D COMPANY
1415 South Roselle Road
Palatine, Illinois 60067
Telephone: 847/925-3458
Facsimile: 847/925-7419